UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/48
1 February 1994

ENGLISH
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 12 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the Sudan

Report of the Special Rapporteur, Mr. Gáspár Bíró, submitted in accordance with Commission on Human Rights resolution 1993/60

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Introduction

A. Mandate of the Special Rapporteur

1. The situation of human rights in the Sudan was discussed by the Commission on Human Rights at its forty-seventh session, in 1991, under the confidential procedure established by the Economic and Social Council in its resolution 1503 (XLVIII) of 27 May 1970. It continued to be discussed under the confidential procedure at the Commission's sessions in 1992 and 1993. At its forty-ninth session, in 1993, the Commission on Human Rights decided, in its resolution 1993/60 of 10 March 1993, entitled "Situation of human rights in the Sudan", that the situation of human rights in the Sudan should be examined under the public procedure.

2. In resolution 1993/60, the Commission expressed its deep concern at the serious human rights violations in the Sudan, including summary executions, detention without due process, forced displacement of persons and torture and urged the Government of the Sudan to respect fully human rights and called upon all parties to cooperate in order to ensure such respect.

3. The Commission called upon the Government of the Sudan to comply with applicable international human rights instruments and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoyed fully the rights recognized in those instruments. Further, it called upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, to halt the use of weapons against the civilian population and to protect all civilians from violations, including forcible displacement, arbitrary detention, ill-treatment, torture and summary execution, and strongly urged all parties to the hostilities to redouble their efforts to negotiate an equitable solution to the civil conflict. The Commission called upon the Government of the Sudan to ensure a full, thorough and prompt investigation by the independent judicial inquiry commission of the killings of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims. In addition, it called upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population.

4. Also in the resolution, the Commission on Human Rights requested its Chairman to appoint a special rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate the situation of human rights in the Sudan, including any progress made there towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law. The Special Rapporteur was requested to seek and receive credible and reliable information from Governments, non-governmental organizations and any other parties who had knowledge of those matters and to report his findings and recommendations to the General Assembly at its forty-eighth session and to the Commission on Human Rights at its fiftieth session. The Commission called upon the Government of the Sudan, for its part, to extend its full and unreserved cooperation and to assist the Special Rapporteur in the discharge of his

mandate, and, to that end, to take all necessary steps to ensure that the Special Rapporteur had free and unlimited access to any person in the Sudan whom he wished to meet.

5. On 30 March 1993, the Chairman of the Commission on Human Rights appointed Mr. Gáspár Bíró (Hungary) Special Rapporteur on the situation of human rights in the Sudan, pending the approval of the Economic and Social Council.

6. In its decision 1993/272 of 28 July 1993, the Economic and Social Council approved the appointment of the Special Rapporteur.

7. In taking up his task of studying the situation of human rights in the Sudan, the Special Rapporteur has respected the terms of Commission resolution 1993/60. In this regard, it is to be noted that in the resolution the Commission not only addressed the Government of the Sudan, but also referred to the hostilities within the Sudan and all parties to those hostilities. The Special Rapporteur will therefore also address human rights abuses committed by parties other than the Government of the Sudan, though it is clear that the Government of the Sudan, claiming sovereignty over the whole territory of the State, is bound to respect human rights obligations and is to be held responsible should it not abide by these obligations.

8. The resolution does not contain any indication of the period of time during which violations to be studied may have occurred. The Special Rapporteur has therefore decided to concentrate in the final report on violations which have occurred after 30 June 1989, since this is the date on which the present Government came to power.

9. The interim report (A/48/601) prepared by the Special Rapporteur was submitted to the General Assembly on 18 November 1993. Following discussion of the report, the General Assembly adopted resolution 48/147 on 20 December 1993 on the situation of human rights in the Sudan. The present report was finalized by the Special Rapporteur on 14 January 1994.

B. Activities of the Special Rapporteur

10. Following his first mission to the Sudan in September 1993, the Special Rapporteur was received by the Permanent Representative of the Republic of the Sudan to the United Nations Office at Geneva, on 15 October 1993. During this meeting the Special Rapporteur expressed his intention to pay a second visit to the Sudan at the end of 1993, for which the Permanent Representative offered his full cooperation. Further to this meeting the Special Rapporteur communicated his itinerary to the Permanent Representative by a letter dated 19 November 1993. The itinerary provided for a visit to the Sudan from 9 to 11 December 1993, followed by a visit to Kenya from where the Special Rapporteur intended to visit areas controlled by the Sudan People's Liberation Army (SPLA) in southern and central Sudan.

11. On 25 November 1993 the Permanent Mission of the Republic of the Sudan to the United Nations Office at Geneva indicated that, owing to the absence of

the Minister of Justice who was attending the forty-eighth session of the General Assembly in New York, a suitable date for the second visit of the Special Rapporteur could only be definitively determined after the Minister's return to the Sudan. By note verbale dated 7 December 1993, one day before the scheduled departure date of the Special Rapporteur, the Permanent Mission at Geneva conveyed the proposal of the Government to postpone the mission until 20 December 1993. The Government indicated that in the meantime the Special Rapporteur was free to visit SPLA-controlled areas.

12. Given the extremely short notice at which this proposal was communicated to the Special Rapporteur, he was no longer in a position to postpone his mission to the Sudan until the end of the year. However, he offered to agree to an alternative schedule, according to which he would first visit Kenya and SPLA-controlled areas in southern Sudan and would arrive in Khartoum in mid-December for a visit until 18 December. The Special Rapporteur wishes to express here his gratitude to the various United Nations agencies which facilitated his mission and made great efforts to reschedule the mission at two days' notice. Without their assistance he would not have been able to accommodate the Government of the Sudan. Unfortunately, the change in the schedule meant that a few meetings with individuals whom the Special Rapporteur would have liked to have met could not take place.

13. The Special Rapporteur thus started his mission in Kenya, where he stayed from 10 to 13 December 1993. He spent one day in Nairobi, where he met representatives of several non-governmental organizations, and individuals. Despite several efforts by the Special Rapporteur to arrange meetings with John Garang de Mabior, Commander of the SPLA-Torit faction and Riak Machar, Commander of the SPLA-United faction, no reply was received to these specific requests. From Kenya, the Special Rapporteur flew to the SPLA-controlled locations of Kongor, Ayod and Lafon. A planned visit to Kajo Kaji could not take place, as the required security clearance was not issued by the Government until 18 December 1993, five days after the visit was scheduled.

14. From 14 to 17 December 1993 the Special Rapporteur paid a visit to Khartoum, where he was received by the Minister of Justice and Attorney General, Mr. Abdel Aziz Shiddo; the Head of Prison Administration, Mr. Al-Sheikh Al-Rayah Al Sheikh; a High Court Judge, Mr. Mohammed Hamad Abu Sin; the Director of Kober prison, Abu Bakr Mirghani Ashriya; and the Commissioner for Voluntary Agencies, Abdul Rahman Abu Dom. To his request for a meeting with the President of the Republic of the Sudan, the Special Rapporteur received no response.

15. The Government organized a visit to the women's prison in Omdurman and arranged, upon the Special Rapporteur's request, a private meeting in Kober prison with retired brigadier Mohammed Ahmad Al-Rayah, detained in that prison. Requested meetings with some of the prisoners arrested on suspicion of plotting against the Government were not arranged.

16. In addition to the above-mentioned visits and meetings, the Special Rapporteur met with several individual citizens.

I. LEGAL FRAMEWORK

A. General obligations of the Government of the Sudan

17. The obligations under international law which the Sudan is bound to respect, reside, in the first place, in the international instruments to which the Sudan has acceded. As a Member State of the United Nations, the Sudan is bound by the Charter of the United Nations. Further, it is obliged to respect the human rights and fundamental freedoms of all persons within its territory, as set out inter alia in the following instruments to which the Sudan has become a party: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; the Slavery Convention, as amended; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Convention relating to the Status of Refugees and the Additional Protocol thereto.

18. As a member of the International Labour Organisation, the Sudan has ratified its Conventions concerning Forced Labour (No. 29), the Abolition of Forced Labour (No. 105), the Right to Organise and Collective Bargaining (No. 98), Employment Policy (No. 122) and Discrimination (Employment and Occupation) (No. 111).

19. On 23 September 1957, the Sudan became a party to the four Geneva Conventions of 1949, containing humanitarian rules for armed conflicts.

20. Further, it is to be noted that the Sudan signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Although the signature has not yet been followed by ratification, the Sudan has, by signing, shown the intention to accept the obligations under this Convention and, under customary international law, as reflected in the Vienna Convention on the Law of Treaties, is obligated not to do anything which would defeat the object and purpose of the Convention against Torture, pending a decision on ratification.

21. In addition to the obligations arising from conventional international law, the Sudan is also bound to respect the standards of international customary law.

B. The context of violations, with special regard to violations of humanitarian law

22. Most of the violations reported are to be considered in the context of a 10-year civil war in the south, which has caused famine and the displacement of millions of Sudanese inside the country and the flight of many others to neighbouring countries. After the takeover by the present Government a state of emergency was declared throughout the country. However, the curfew on the capital was abolished in October 1993. The Special Rapporteur has no information about the situation in other locations in northern Sudan.

23. However, this general context does not exonerate any of the parties to the hostilities from respecting commitments resulting from accession to several international instruments, in the case of the Government of the Sudan, or from respecting the provisions of humanitarian law, including common article 3 of the Geneva Conventions. In this respect, the Government has great responsibility since with the takeover in June 1989 it assumed responsibility since with the takeover in June 1989 it assumed responsibility for the rights of all the citizens under its jurisdiction. The abuses committed by the SPLA factions should be considered in the framework of the provisions of the above-mentioned common article 3 of the Geneva Conventions. The lack of formal international recognition of SPLA should not be considered as a factor which exonerates its members from abiding by relevant provisions of the Geneva Conventions.

24. On the basis of the information he has received, the Special Rapporteur notes that potentially all categories and strata of the population are affected by violations of human rights committed by agents of the Government or by abuses against the life, security and freedom of the individual committed by the members of the SPLA factions in the context of the armed conflict. The Special Rapporteur again underlines that, in so far as he received allegations regarding the whole range of human rights recognized by the United Nations, he has concluded that almost all aspects of life are concerned.

25. Lastly, the Special Rapporteur wishes to note that the Sudan does not have a constitution at this time, although intensive activity related to drafting the text of a new constitution was reported to the Special Rapporteur by government officials. However, the Special Rapporteur did not receive any text of a draft constitution, despite his request for such a text.

II. REPORTED HUMAN RIGHTS VIOLATIONS

A. Violations by the Government of the Sudan

1. Extrajudicial killings and summary executions

26. Most information received by the Special Rapporteur concerning extrajudicial killings and summary executions relates to cases said to have occurred in the areas of conflict in southern and central Sudan, where thousands of civilians are reported to have been killed in deliberate and indiscriminate attacks by government forces. In his interim report the Special Rapporteur already referred to several reported cases (A/48/601, paras. 35-39, 91-92).

27. Several cases of summary executions have been reported in the northern part of the country. The Special Rapporteur has received information on 30 individuals who were reportedly executed after they had been convicted of an attempted coup d'état in summary military trials. According to the information received they had neither access to a lawyer nor the right to appeal. Among them were 28 army officers who were executed on 24 April 1990. Except for two, they had only been arrested the day before. In July 1990 two other officers were reportedly summarily executed in connection with the alleged coup d'état.

28. Several sources reported the extrajudicial execution in Khartoum in October 1992 of Abu Bakr Mohy Al-Din Rasikh, who was reportedly shot on the street by a security officer. The killing is alleged to have been politically motivated, as Abu Bakr Mohy Al-Din Rasikh was known for his criticism of the Government.

29. In addition to the above-mentioned cases, the Special Rapporteur is aware of several cases of persons who are believed to have died under torture in detention centres in northern Sudan. Further details of some of these cases are provided in paragraph 45 below.

30. With regard to extrajudicial and summary executions in the conflict zones, the Special Rapporteur has received detailed reports from different areas where government forces, both military and security, are believed to have been responsible for numerous arbitrary killings. Only in a small number of cases was reference made to some form of trial. Andrew Tombe, an employee of the United States Agency for International Development and Mark Laboke Jenner, who worked for the European Commission, were executed in August 1992 in Juba. The Government reported that their execution had taken place after a military court had sentenced them to death for treason. However, no details on the trial and its proceedings have been provided.

31. Several cases of death in custody have been described to the Special Rapporteur. One report describes the execution of 18 young men, suspected of collaboration with SPLA, who were taken from the military headquarters, the White House, in Juba at the beginning of August 1992, tied up, forced to lie down in a pre-dug pit and shot dead. Another report concerns the execution of 68 imprisoned Nuba sheikhs at the end of 1991. In a videotaped testimony a Nuba sheikh from the village of Jabal Otoro tells how he survived this execution:

> "We were called for a chiefs' meeting by the Government, but when we went there we found there was no meeting. We were all arrested, detained and had our hands tied behind our backs. We spent 59 days in prison. We were 68 in the prison, all of us from the Nuba Mountains. One night, around 9 p.m., we were taken from the prison. We were put on a truck. They shot us. I was shot in the back of the head. The bullet went through here and smashed my jaw. I fell unconscious ... all the others died but I survived. I saw all the others around who were dead and I moved into the bush for four days."

32. In many incidents security and military forces seem to have been virtually unrestricted as to the means employed in their counter insurgency operations against SPLA. The Special Rapporteur believes that this has led to the arbitrary killing of thousands of civilians. Frequently, a combination of their place of residence, ethnicity and religion caused them to be suspected of supporting the SPLA. In several cases indiscriminate attacks are believed to have been carried out in retaliation for SPLA incursions; in such cases the Government seems to have had the intention of punishing the population.

33. Following SPLA attacks in June and July 1992 in Juba, around 200 civilians were reportedly killed in a house-to-house search by government troops. Young men, including boys aged 13 and older, were said to have been

particularly targeted. With regard to the reports from Juba, the Special Rapporteur notes that many of these killings took place in the aftermath of the fighting, when the Government had regained control over the city. He therefore tends to be believe that many of these killings were in fact reprisals carried out against the population. Also in 1993, the Special Rapporteur received reports alleging indiscriminate attacks on civilians in several villages around Juba, in retaliation for SPLA incursions.

34. Indiscriminate aerial bombardments have also been reported to the Special Rapporteur. In paragraph 37 of his interim report he addressed the attacks on the camps for displaced persons near Kaya in August 1993, in which several persons including women, children and the elderly were killed. Thereafter, increased aerial bombardments by the Government were reported, endangering the lives of civilians and relief workers. In the second week of August the area near Kirewa was said to have been bombed. Many of those who had fled the bombardments on the camps near Kaya had gone to Kirewa and came under attack again. On 12 November 1993 government airplanes reportedly dropped 14 bombs next to the airstrip of Thiet, where a large group of civilians had gathered at a feeding centre run by a non-governmental organization. Three civilians were injured. In Loa, three persons were reportedly killed, including two children, and at least 15 injured when two bombs were dropped on the marketplace in the morning of 23 November 1993. Two other bombs exploded close to a Christian mission and a relief centre, but there were no casualties.

35. With reference to the reported indiscriminate and deliberate attacks near Kaya, the Government has stated that it did carry out deliberate bombardments, but denied that the attacks were indiscriminate. According to the Government, aerial bombardments take place against military targets of the armed opposition. In addition, the Government stated that there were no camps for displaced persons in the SPLA controlled areas but only military camps (A/C.3/48/17, sect. B.10). However, the Special Rapporteur finds it hard to believe that the thousands of women, children and the elderly he saw in the camps of southern Sudan (many of whom depend on emergency aid to survive) are in fact all SPLA soldiers. The apparent deliberate killing of such persons is, in his opinion, a gross violation of the right to life. Moreover, irrespective of the sympathies civilians may hold, the Government must distinguish between combatants and non-combatants.

36. Hundreds of civilians, Muslims and Christians alike, have allegedly been extrajudicially executed by members of the army, the Popular Defence Forces and the militia during widescale indiscriminate attacks on Nuba villages suspected of collaboration with SPLA. According to testimony received, villages would first be surrounded and shelled in order to clear the area of any SPLA soldiers. After the shelling, ground troops would enter the area, shooting at random and often executing young men on the spot. Several sources suggest that the army and the Popular Defence Forces have carte blanche in these operations: anybody carrying a weapon, any young man or anybody trying to flee or resist arrest seems to be at risk of execution. For example, one person told the Special Rapporteur that, at the beginning of 1990, 36 civilians were said to have been killed when militia attacked the village of Tumu. Some of them were reportedly burnt to death in their houses, including Kanu Kafi who, as he left his home, was pushed back into his house, which was

subsequently set alight. Another person described how, in February 1991, the village of Al-Nuqta (near Umm Dulu) was attacked by the army and militia in the early morning. Houses were burnt and 23 civilians were allegedly killed, among them three children who died in the fire. In the spring and summer of 1992 the Tulushi hills were reportedly attacked in a major assault. According to testimony received, hundreds of civilians were killed; many died in the heavy shelling, others were burnt to death in their houses or were shot at close range. An eye witness told the Special Rapporteur how an old woman, among a group of women who were to be deported to the town of Kadugli, was shot because she could not walk fast enough. In an assault on the village of Al-Atmur Al-Nagrah in December 1992 a priest, Matti Al-Nur, and over 20 members of his congregation were said to have been locked up in the church and deliberately burnt to death.

37. Arbitrary killings by joint forces of Arab militia and the official paramilitary Popular Defence Forces who were preceding a train were reported along the railway track between Babanusa and Wau in two incidents, in the spring and summer of 1993 (see A/48/601, paras. 38 and 39). The Government has argued that the trains had to be protected by armed forces against SPLA in the area (A/C.3/48/17, B.8). The Special Rapporteur is of the opinion, however, that even if attacks on these trains by SPLA took place, of which he is not aware, this would in no way justify the indiscriminate attacks on civilians in the area; in particular not the reported rape of women and the abduction of children.

2. Enforced or involuntary disappearances

38. Several reports of enforced or involuntary disappearances have been brought to the attention of the Special Rapporteur and the Working Group on Enforced or Involuntary Disappearances. Some refer to cases of persons who were arrested by security officers on suspicion of opposition activities and subsequently taken to one of the secret detention centres known as "ghost houses" in the northern part of the country. On the way to these detention centres, these persons were reportedly blindfolded, so that they could not orient themselves. In the "ghost houses", they were subjected to severe torture for periods of from a few weeks to several months, completely cut off from the outside world. Family members were not informed about their fate or whereabouts. Some of those reported "disappeared" were later located, through contacts or because they were released or sentenced and taken to a normal prison with the knowledge of their family. Among those reported to have "reappeared" are Ibrahim Al-Amin, a former Cabinet member, and Fadlallah Burma Nasser, a former Minister and member of the banned Umma Party. They were reportedly arrested by security forces in April 1993 in a wave of arrests of suspected political opponents in northern Sudan. Others are reportedly still missing, like Sayed Omar Awad Abu Garja, to whose case the Special Rapporteur referred in his interim report (A/48/601, para. 40).

39. The Working Group on Enforced or Involuntary Disappearances has also reported the disappearance in Khartoum of two persons from southern Sudan. It has been alleged that they were suspected of supporting SPLA. On 19 December 1991, Parmena Chot Arou was reportedly arrested at his work in Khartoum by security personnel. According to the information received, they drove him to his home in Khartoum and searched his house, but nothing was

found. Parmena Chot Arou, was then taken away in their car. He has since disappeared. In March 1992, the security authorities reportedly declared that Parmena Chot Arou had been released 12 days after his arrest. However, his family has not had news of him since the day of his arrest. The second report concerns the case of Colonel Umbrose Monteny Gor. In the early morning of 19 August 1992, a military car arrived at his home in Khartoum in order to take him to his work, as was customary. He subsequently disappeared and his family heard nothing of him until December 1992 when he was reportedly seen in Juba prison. No news has been received concerning his whereabouts since that time.

40. Many allegations have been received concerning "disappearances" in the areas of conflict. Following the SPLA attacks on Juba in mid-1992, government forces reportedly arrested more than 230 persons from the army, the police force, the prisons and the Wildlife Department and civilians on suspicion of collaboration with SPLA, including 68 whose arrest the Government acknowledged. The majority have "disappeared". Among them was Michael Muto Atia, a United Nations Development Programme officer, who was arrested in Juba on 31 July 1992. His whereabouts are unknown. It is feared that many of those who "disappeared" may have died under torture or have been extrajudicially executed. Disappearances of persons suspected of oppositional activities have also been reported in the Nuba Mountains.

3. Torture and other cruel, inhuman or degrading treatment

41. Large numbers of well-documented cases of torture and ill-treatment have been received by the Special Rapporteur. On the basis of the information received the Special Rapporteur believes that in the northern part of the country torture is particularly widespread in the secret detention centres, known as "ghost houses", where suspected political opponents are said to be routinely subjected to torture at the hands of the security forces. The Special Rapporteur has received details about 10 alleged "ghost houses" in Khartoum. A notorious detention centre to which several alleged torture victims referred (and of which the Special Rapporteur received several almost identical floor-plans) is believed to be located near the City Bank in Khartoum.

42. In the overwhelming majority of cases torture is reportedly used immediately after arrest in order to extract confessions. In some cases torture seems to have been applied as a punishment for alleged opposition. Reported methods of torture include beatings, burnings, electric shocks on sensitive parts of the body, sexual assault including rape, threats of disappearance and mock executions. In a few cases alleged victims said that they had been severely beaten in front of members of their family. During his second mission the Special Rapporteur received information from several sources indicating that those who were arrested in April 1993 on suspicion of plotting against the Government had indeed been severely tortured (see A/48/601, para. 46). One of them, Al-Tiraifi Al-Tahir Fadul, was reportedly forced to stand on a hot plate, which burnt his feet severely.

43. Ill-treatment in the form of deprivation of food, water, sleep and necessary medical care has also been reported, as well as instances of

degrading treatment. For example, several alleged victims described how, having been tortured severely, they were not allowed to walk normally, but had to jump or crawl.

44. The detained retired brigadier, Mohammed Ahmad Al-Rayah (see A/48/601, para. 47), with whom the Government had arranged a private meeting, told the Special Rapporteur for example that he had spent 107 days in a so-called "ghost house" after his arrest on 20 August 1991. He mentioned inter alia that he had been raped several times and that his testicles had been crushed by pliers. Following his trial, he also claims to have suffered torture, allegedly on the pretext that he had refused to confess. Only after he had been sentenced (to death - later commuted to 10 years' imprisonment) and transferred to Shalla prison in western Sudan did the severe physical torture stop. He claims, however, that thereafter he was denied proper medical treatment for a period of 18 months. According to his account, he was finally admitted to the military hospital in Khartoum in May 1993. However, the treatment was interrupted when the security forces issued an order that he had to be transferred to Sawakin prison in eastern Sudan.

45. Some persons have reportedly died in custody as a result of the severe torture inflicted on them, aggravated by the conditions of detention. In April 1990, Ali Fadul, a medical doctor who had been active in the banned Sudan Doctors' Union, reportedly died as a result of internal bleeding and a skull fracture inflicted by torture in a secret detention centre in Khartoum. The Government reported malaria as the cause of his death, but did not show the body to the family and refused a request for an autopsy. In his interim report the Special Rapporteur mentioned the case of Camillo Odongi Loyuk, an elderly man and former soldier from Juba, who was tortured to death in Khartoum in December 1992. It has been alleged that he was arrested in connection with the SPLA incursions in Juba in mid-1992.

46. With regard to the reports of torture and ill-treatment the Special Rapporteur notes a more continual pattern of abuse in the conflict zones, in particular by members of the security forces and the army. Many reports refer to the military detention centres as notorious torture places. Several reports have been received on the torture of prisoners at the military headquarters in Juba, the White House.

47. The methods of torture listed in reports originating from the conflict zones include all those referred to in paragraph 42 above. Specific reference is made to a torture method which seems to be particularly common in the conflict zones: the tying of a plastic bag containing chili powder over the head of the prisoner, which makes him almost suffocate. In some cases chili peppers were rubbed into the wounds of prisoners. In one case it was alleged that chili powder had been poured into the genital organs of a woman. A report from the town of Dilling in the Nuba mountains contains the testimony of a man who was forced to watch the execution of 20 persons, said to be SPLA soldiers.

48. With regard to ill-treatment, the Special Rapporteur received testimonies that prisoners were often kept in overcrowded, dirty rooms and denied food for several days. Medical care was said to be lacking. One testimony describes a

situation where prisoners in an overcrowded cell, who were all regularly tortured, had to urinate in a plastic bottle. If somebody spilled urine over the bottle all the prisoners would be beaten.

49. Several persons are believed to have died under torture in the conflict zones. In August 1992, Taban Elisa, Assistant Director of Juba Airport, reportedly died as a result of the severe torture inflicted on him in the White House in Juba. Concerning the alleged death under torture of Ismail Sultan, Kortobeir Bashir and Ibrahim Bashir (see A/48/601, para. 92), which was reported to the Special Rapporteur by several independent sources, the Government replied that these persons had died as a result of natural causes.

50. Whereas in the north of the country the alleged torture victims were accused of different political sympathies, the victims in the conflict zones were reportedly almost all suspected of collaboration with SPLA. In addition to the reported torture in detention centres of persons suspected of supporting the armed opposition, the Special Rapporteur received several reports of abuses in the countryside committed by government forces, in particular the rape of women. In February-March 1993, when joint forces of Arab militia and the official paramilitary Popular Defence Forces reportedly raided villages along the railway between Babanusa and Wau (see A/48/601, paras. 38 and 39) several women were said to have been raped. In February 1993 a woman near Baidit was reportedly raped by soldiers in the presence of her father. It is reported that she died as a result and that her father was shot.

51. In his interim report the Special Rapporteur addressed the conditions in a few civil prisons he had visited (A/48/601, paras. 49 and 50). During his mission in December 1993 the Special Rapporteur paid a second visit to the women's prison in Omdurman. With regard to the conditions in this prison, the Special Rapporteur noted that the situation has improved slightly; more beds had been made available to the prisoners and some buildings were being reconstructed.

4. Arbitrary arrest and detention, and due process of law

52. Since the Government came to power in June 1989, there have been reports of the widespread arbitrary arrest and detention of suspected political opponents. In the areas of conflict in southern and central Sudan, the overwhelming majority of those arrested were arrested on suspicion of collaboration with SPLA. They were often held under the authority of the security forces or the military. Outside the conflict zones, in the north of the country, those arrested included members of banned political parties, trade unionists, lawyers, journalists, civil servants, students, Christians, members of Islamic religious orders, southern Sudanese and Nuba. In some cases it has been alleged that, besides political motivations, ethnicity and religion played a role in the arrests.

53. Whereas most political prisoners were detained in civil prisons in the first two years after the present Government came to power, since 1991 there have been an increasing number of reports of relatively shorter-term imprisonment of political detainees in secret security centres where prisoners

are said to be severely tortured. A few were transferred to civil prisons. The sentences of a number of the detainees in civil prisons have been reduced and some have been released, but several persons who had been arrested for political reasons were rearrested. Some were again taken to one of the secret security centres, others were forced to report daily to the security services (see A/48/601, para. 45).

54. In virtually all cases which have been brought to the attention of the Special Rapporteur arrests were carried out by the security forces without a warrant. Many of those arrested remained in incommunicado detention without charge or trial for weeks or months. One person told the Special Rapporteur that he had been kept for nine months in a secret detention centre without being charged or tried.

55. In many cases it has been alleged that detainees were not tried before a court. In cases where a trial did take place, reports have been received that the trials did not meet the international standards for a fair trial. Access to legal counsel was said to be restricted or in some cases completely lacking. The Special Rapporteur received several testimonies from persons who claim to have been tried in camera before military courts. Some trials lasted only a few minutes. They were reportedly not provided with any legal assistance nor were they given the right to appeal. According to the testimonies received the persons acting as judges had no legal training. In one case it was reported that false witnesses had been produced. Recently the Government has announced that a group of 29 persons accused of plotting against the State and disclosing military information will be tried in public. The Special Rapporteur sincerely hopes that their trial, unlike those referred to above, will be in conformity with the international standards for a fair trial and that independent monitors will be allowed to attend the trial.

56. Some of the persons who provided testimony to the Special Rapporteur were released under special amnesties issued by the Government, which the Special Rapporteur welcomes. The Special Rapporteur notes, however, that some of them had been detained without ever having been sentenced.

57. With regard to the allegations received of the arbitrary arrest and the effective detention of "streetchildren" in isolated camps. The Special Rapporteur refers in this regard to section 9 of this chapter, where he addresses the issue at length (for previous references, see also A/48/601, para. 52).

58. Concerning the list of 94 persons who were reported to have been arbitrarily arrested (see A/48/601, para. 53) in 1990 and 1992, the Special Rapporteur notes with appreciation that a reply has been received from the Government of the Sudan. In its reply the Government provided information on 65 persons, stating that they had all been released from detention. In almost all cases they had been arrested on suspicion of supporting the SPLA. The majority were said to have been released because of lack of evidence. However, the Special Rapporteur received no information on any judicial process which may or may not have been made available to them.

5. Provisions of the penal legislation inconsistent with international norms

59. The Sudanese system of penal law contains two main components which are radically opposed to provisions of the international conventions to which the Sudan is a party. One of these components consists of the hudud offences, sometimes referred to as "absolute crimes", which are punishable either with corporal punishment or death. The following quotations from the Criminal Act of 1991 are from the English translation which was given to the Special Rapporteur by the Ministry of Justice of the Sudan. The Criminal Act of 1991 annuls common exemptions of responsibility based on age or gender from the following crimes: armed robbery (art. 168 (1) - punished by death or death and crucifixion, or amputation of the right hand and left foot), capital theft (art. 170 and art. 171 (1) - punished by the amputation of the right hand), apostasy (art 126 - punished by death, if the offender insists upon apostasy), adultery (art. 145 - punished by execution by stoning if the offender is married, or 100 lashes, if the offender is not married; the male may be punished, in addition to whipping, with expatriation for one year), false accusation of unchastity (art. 157 - punished by 80 lashes) and the drinking of alcohol (art. 78 - whipping of 40 lashes, in aggravated cases one month imprisonment or 40 lashes, or even a fine). Article 38 (1) provides that the execution of hudud shall not be remitted by pardon. The common limits of exemptions of age are generally 18 and 70 years, although an adult may be considered also "a person whose puberty has been established by definite natural features and has completed 15 years". Nevertheless, according to article 27 (2), "With the exception of hudud and retribution (qisas) offences, the death sentence shall not be passed against any person who has not attained the age of eighteen or who exceeds seventy years of age". Otherwise, as article 9 provides: "A child who has not attained puberty shall not be deemed to have committed an offence, provided that care and reform measures set out in this Act may be applied to a child who has completed seven years of age if the court may deem fit". Against such an offender the court, according to article 47 (b), can pronounce the sentence of "whipping not exceeding twenty lashes, by way of discipline".

60. The second component of the Sudanese criminal law which is inconsistent with relevant international norms is the institution of retribution, or qisas. According to article 28, retribution consists in the punishment of a premeditated offence by the same offensive act which was committed. Paragraph 3 of this article provides that "in case of murder, retribution shall be death by hanging and, if the court sees fit, it shall be in the same manner in which the offender has caused death". An annex of the Criminal Act contains a detailed list of parts (organs) and wounds subject to retribution. The Act introduces the institution of "multiple retribution" which mainly resides in the fact that "an individual shall be executed for a group and a group for an individual". Article 38 (2) provides that "the execution of qisas shall not be remitted save with pardon of the victim or his relative".

61. Since the Sudan has ratified the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, the cultural argument that this practice is deeply rooted in the tradition of the country and is accepted by the people is irrelevant. The above-mentioned provisions, which are an integral part of the legislation of the State, were formally

promulgated by the competent organs through a coherent and comprehensive Criminal Act and constitute in penal matters the supreme source of law of the country. It does not matter in this context who the drafter is nor what the sources of inspiration of these norms are. In terms of human rights the only question is whether or not the national legislation is compatible with the existing international instruments to which the Sudan is a party. For the same reasons, it is not relevant whether there are exemptions on a territorial basis - like the provision of article 5 (3) of the Criminal Act which states that "the provisions of sections 78 (1), 79, 85, 126, 139 (1), 146 (1), (2) and (3), 157, 168 and 171 shall not apply to the southern States unless the accused himself requests the application of the said provisions to him or the legislative body concerned decides to the contrary". According to the text, these exemptions depend on the will of the same legislative body which adopted the Act. Similarly, the fact that there are exemptions on a personal basis, taking into consideration religious appurtenance, is completely irrelevant. Also lacking any relevancy in the context of human rights is the sociological argument that the above-mentioned provisions were applied by courts only in a few cases since the adoption of the law, and that the system of the victims pardoning offenders in accordance with the rules of gisas is largely working and has a beneficial role vis-à-vis the moral health of society. What counts is that a formally valid and enforceable legal system is both in its spirit and its text contrary to another formally valid system of norms, to which the Sudan acceded voluntarily, but which it does not respect.

6. Slavery, servitude, slave trade, forced labour and similar institutions and practices

62. In the reply of the Government of the Sudan to the preliminary observations of the Committee on the Rights of the Child (CRC/C/3/Add.20), the Government argues in essence that the phenomena of slavery, slave trade, forced labour and similar institutions do "not exist" in the Sudan (para. 35). The Sudanese Criminal Act of 1991 provides as crimes: abduction (art. 161), kidnapping (art. 162), forced labour (art. 163), unlawful confinement (art. 164) and unlawful detention (art. 165). In its written reply to the Committee on the Rights of the Child (CRC), the Government underlines that:

> "The essence of the reply is that situations which are completely different from slavery have been wrongly depicted as enslavement. In reality, however, they involve tribal disputes and arguments over pasture and water resources in some areas where there is an overlap between tribes. As a result each tribe involved in a dispute captures members of the other tribe or tribes while waiting for the conflict to be settled according to tribal conditions and customs".

On the other hand, as is pointed out in section 9 on the rights of the child in the present report, abduction of children, as well as of women, from southern Sudan and the Nuba Mountains is routinely practised by members of different armed units, such as the Popular Defence Forces or Mujahedin

63. Several reports over the past four years have mentioned the widespread practice of the abduction of women and children in Bahr Al-Ghazal and Southern Kordofan. Many were transported northwards to locations in Northern Kordofan and Darfur, and on a smaller scale to other regions of the

Sudan. The Special Rapporteur also received eye-witness accounts from individuals living in different regions of the Sudan, and not in contact with each other, of the abduction and forced removal of people from camps for displaced persons, mainly children and women. These testimonies reveal a great deal of consistency with regard to the following elements:

(a) The circumstances of abduction: during the past two years for instance, the Popular Defence Forces, the Mujahedin and army escorts of the trains proceeding from Babanusa to Wau reportedly raided areas along the railway, looted cattle, killed people and abducted women and children of the Dinka tribe.

(b) The locations of destination: many of those captured are reported to have been transported to locations in Darfur and Kordofan.

(c) The names of locations where children and women are said to be kept in special camps, and where people from Northern Sudan, or even from abroad, reportedly come to buy some of these people in exchange for money or goods, such as camels, are exactly the same: Al-Dhein, Khor Tagat, Gomelai, Jalabi, Kelekela, Muglad, and Shahafa.

(d) In the few cases where abducted persons were traced they were usually only released by their captors after the intervention of local civil authorities. In several cases it was reported that captors from the Misseriya and Rhizeigat tribes requested compensation.

(e) Young girls and women abducted are said to be used as housekeepers, and in some cases as wives by their captors. The boys are reportedly kept as servants.

(f) Finally, a selection on the basis of age seems to take place among children in camps. Boys over the age of 10 are taken to certain locations, while children between 3/4 and 10 are kept separately. In 1992 in camps for displaced persons around Kadugli the number of children below the ages of 10 to 14 significantly exceeded the number of women and men. No convincing explanation for this was given to the Special Rapporteur. As was pointed out in the interim report, many testimonies indicated that after fighting had taken place and SPLA troops had been forced to withdraw, Popular Defence Forces and army units were given orders to collect up civilians - mainly women, children and elderly men - and to take them to peace villages in the government-controlled area (A/48/601, para. 88).

64. For example, one person who left the village of Bau in Northern Bahr Al-Ghazal after it had been attacked by paramilitary troops in February 1993 told the Special Rapporteur the following:

> "Four to five days after the incident, once we had buried the victims, I left Bau with my younger brother. We went with a group of people from the Dinka tribe who were heading for Khartoum. I wanted to go there to meet my older brother, who lives there and whom I had not seen for 10 years. On our way, we were stopped in Meiram by a group of 14 armed men (10 with guns and 4 with spears) in civilian clothes and riding horses. They took me, my brother and 7 other persons, including

women. My brother and I were later separated from the others, and taken to the farm of Ibrahim Ahmed, a big farmer, where we were forced to work without pay, collecting wood. We were guarded by armed men. After two months, we were extremely exhausted, so we fled. We were then chased by Ibrahim Ahmed's men, who were armed and riding horses. We were intercepted by another group of men. We were caught and beaten. A man kicked me in the face, and my face was swollen [the witness showed a mark on one of his front teeth during the hearing]. We were taken back to Ibrahim Ahmed's place and there we were beaten with a stick several times. We were told that we were going to stay here and not leave again. We continued to work on the farm for another month. We were kept in a place guarded by two men.

"One day in May 1993, my brother and I were told to fetch water from a well. We took this opportunity to escape again. We arrived in Babanusa two days later. Near there, we met a man who told us he would give us paid work. We first refused, but then we were so hungry that we finally decided to accept. This man, who was a Baggara leader, was called Hassan. The next morning, Hassan told us to go to the fields. We asked him if he was going to pay us. He replied that he would only give us food. The following night, we fled and returned to Babanusa. There, we met a man from the Dinka tribe, who drove us in his car to the house of Adam Ahmed, a rich man with many children. He had three wives from the Dinka tribe. They were in the same situation as we were. I started working for Adam Ahmed, carrying water on the back of a donkey. My brother was keeping the cows. One day, after I had worked one month there, I was asked to bring some water from the well. The donkey broke the well, and Adam Ahmed accused me of having done the damage. He took me back home and beat me up. He first punched me in the head and tried to beat me with a long piece of wood, but his wife prevented him from doing it. Ten days later, my brother and I fled again and headed for Babanusa. We finally managed to get to Khartoum and reach our brother."

65. Taking into consideration the oral and written testimonies received, the Special Rapporteur considers that the explanations of the Government of the Sudan concerning this issue are not satisfactory. The argument that these practices occur on a tribal basis does not change the fact that they seem to fall under article 1 of the Slavery Convention (1926) and articles 1 and 7 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956), to which the Sudan is a party. Also, the fact that these practices occur on a tribal basis does not exonerate the Government from its responsibility of assuring the right to life, security and freedom of its citizens. In addition, the reported involvement of the Popular Defence Forces and other paramilitary units in these practices appears to be an aggravating circumstance which must be clarified without any delay by the Government.

7. Freedom of conscience

66. Abuses and violations of the right to freedom of conscience should be considered in the larger context of the policy of cultural and linguistic assimilation of persons belonging to ethnic, religious and linguistic minorities. This policy involves the application by the State of a variety of

sophisticated methods of discrimination in favour of certain categories of the population, for instance in economic land (in the acquisition of land, allocation of loans, etc.) or in the civil service (employment on the basis of ethnic origin or religion), or even through the very direct and violent means of mass relocation of population, aimed at changing the ethnic composition of specific areas or regions, such as the Nuba Mountains, as described in the interim report (A/48/601, chap. III.B). The people in camps for displaced persons in the government-controlled areas constitute the most defenceless category subjected to this policy. The majority of those displaced belong to ethnic, linguistic, religious or racial minorities. In most cases, family members are scattered in camps all over the country. Since the breadwinner in most cases is absent they depend exclusively on relief and education provided mostly by national Islamic non-governmental organizations. In the southern towns controlled by the Government the increasing poverty is leaving room for all sorts of abuses. For instance, in Wau conversion to Islam in order to obtain relief is the order of the day. Many people who convert are also renamed and even circumcised, but most of them continue to go to church on Sunday in the hope that they can obtain more relief. Public opinion in Wau is aware of this practice: it is considered to be the only way to survive. The same practice was reported in the government-controlled towns of Torit and Kapoeta.

67. It appears from the information received that, although the policy of assimilation is ideologically and politically backed by the Government, for example through press campaigns, in large part it is carried out by Islamic non-governmental organizations which work closely with the government authorities. The central element of this policy is explicitly the creation of an Islamic State, by spreading Islamic values, as interpreted and defined officially by the Government, throughout the whole of Sudanese society. However, it is not the task of the Special Rapporteur to judge the legitimacy of this political agenda. Problems arise when the rights are violated of those who do not identify themselves with official views concerning this issue or do not assimilate voluntarily, and especially when vulnerable and defenceless categories of the population like children, women or displaced persons belonging to ethnic, religious, linguistic or racial minorities are systematically and on a large scale targeted by the policy of assimilation.

68. The particular complexity of this process is revealed by the fact that members of traditional Sudanese Islamic sects were also harassed during the past year, as will be discussed in detail below. Constitutional Decree No. 7/1993 provides in chapter 1, section 1 that:

> "Islam is the guiding religion for the overwhelming majority of the Sudanese people. It is self-generating in order to avert stagnation and constitutes a unifying force that transcends confessionalism. It is a binding code that directs the laws, regulations and policies of the State. However, revealed religions such as Christianity, or traditional religious beliefs may be freely adopted by anyone with no coercion in regard to beliefs and no restriction on religious observances. These principles are observed by the State and its laws."

In section 7 however it is stated that:

> "The society shall be based on religious values and free development. The society shall be enriched by the dissemination of culture, science, the arts and sports. All citizens, children, men and women, as well as the family, shall be fostered. It shall be built on ethical values and healthy social conventions."

69. In May 1993, security authorities confiscated the religious centre around the tomb of Mohamed Ahmad al-Mahdi in Omdurman, which is one of the most important shrines of the Ansar religious order. In the following days, other important mosques of the Khatmiya and the Ansar Sunna orders were put under the control of the security forces. Several reports mention the arrest and harassment of members of these sects by members of the security forces in the same period.

70. As mentioned already, the Sudan is a country of varied cultures, religions, languages and races. There are 56 classified ethnic groups and at least 572 tribes in the country, speaking more than 100 languages and dialects. Since a great number of the violations of the right to freedom of conscience also fall into other categories which are treated in other parts of the present report, the Special Rapporteur will focus in this section on the following three areas.

(a) Some specific cases of violations of the human rights of persons belonging to religious minorities

71. During the last four years a large number of cases of harassment - mainly by the security organs - of ordinary Christian citizens, as well as church personnel, the clergy and nuns, and even the leaders of various Christian denominations in the Sudan were reported and well documented. All the cases brought to the attention of the Special Rapporteur revealed that the cause of the harassment and violation of human rights was the fact that the persons concerned belonged to non-Islamic denominations. During his missions to the Sudan the Special Rapporteur spoke with several of the victims and they confirmed allegations and reports of violations on a religious basis. In 1992 alone, more than 30 cases of harassment of church leaders by the security forces were reported, for example, the interrogation of Bishop Vincent Mojwok from Malakal, Father Rudolf Deng, Apostolic Administrator of Wau and Father Butros Trilli, of Al-Obeid Diocese, before they left to attend a conference abroad in August 1992. Their departure was intentionally and abusively delayed. Rev. Ezekiel Kutjok, Secretary of the Sudan Council of Churches, was stopped by security officers at Khartoum airport before he could depart to the Middle East Council of Churches meeting in Cyprus on 23 November 1992. Security agents confiscated his passport and some of his documents, and he was forbidden to leave the country. Several priests, missionaries and nuns were expelled from Al-Nahud, Juba and Dilling. Some of them, like four sisters of the Congregation of Charity of Mother Theresa and a Jesuit priest working in Wau Diocese were even expelled from the Sudan. Arbitrary arrest and restriction of freedom of movement continued during 1993. Several cases of arbitrary arrest of clergymen were reported in Juba. Church

personnel were either prevented from meeting representatives of the international community, or security officers intervened during such meetings alleging that no approvals had been given for them.

72. On 17 August 1993 the Government closed the Comboni Sisters' School in Khartoum because the administration of the school did not accept the imposition of the Islamic students' uniform. This uniform was prescribed by the Ministry of Education on 26 October 1992 as follows: a long dress or trousers under a shorter loose longsleeved tunic, and a veil which should cover the head, the shoulders and the chest. The school administration objected that the uniform of the school had been worn for many decades and had always been considered as "more than decent"; the uniform being imposed on all schools had a very strong Muslim religious connotation which made it unacceptable to non-Muslims, the school population being made up of students from a plurality of cultures and beliefs. As a result of the vigorous protest, the Ministry declared the school open on 21 August 1993. Although no written document was issued concerning this verbal statement, the school administration reopened the school on 23 August.

73. Suffragan Bishop Peter El-Birsh was sentenced to 90 lashes by a court in Khartoum for adultery; the flogging took place in public following the pronouncement of the sentence. Officials from the Ministry of Justice told the Special Rapporteur that the Bishop had been condemned for seduction which, according to the Criminal Act of 1991, is punishable by flogging. The procedure was said to have been conducted in a fully legal way, including the execution of sentence. State Minister for Foreign Affairs, Bishop Gabriel Roric, said during an official meeting with the Special Rapporteur that the condemnation would not have taken place if Bishop El-Birsh had disclosed his identity to the judge, since this sort of punishment is not applied to non-Muslims. The Church did not know about the case until the sentence was executed, so the Bishops Council was not able to intervene, according to the State Minister. The Special Rapporteur met Bishop El-Birsh who claimed that he had neither committed adultery nor seduction; he believed that the whole incident had been manipulated. It is beyond the mandate of the Special Rapporteur to comment on the legality of the sentence of the court. Concerning the punishment of flogging, the position of principle of the Special Rapporteur is set out in chapter II, section 5 above concerning penalties inconsistent with international norms. Nevertheless, the Special Rapporteur notes here that several individuals questioned by him in Khartoum regarding this event were of the opinion that the case was in fact intended to intimidate the non-Muslim community.

(b) Cases where the right to freedom of religion is violated

74. In a letter to the Secretary-General of the United Nations dated 24 September 1992, the General Secretariat of the Sudan Catholic Bishops' Conference cited the following instances of violations of the freedom of religion and restriction of activities of the Church in the Sudan: the stopping of any Christian preaching in the area of Damazin, the expulsion of the parish priest from Damazin and the attempted confiscation of church land and property in Damazin town; the closure and destruction of church centres for displaced citizens in Al-Obeid and Khartoum; the repeated refusal in many areas to issue building permits for churches and church centres; the closing

of the church and the Sudanese Caritas in Al-Nahud; the order to demolish a church in Kenana; the denial of travelling permits even to Sudanese priests to prevent them from evangelizing.

75. The restrictions on freedom of movement for church personnel, their lack of contact with the Sudanese Council of Churches and the prevention of church activities, including relief activities, and the arbitrary interdiction of prayers and religious celebrations have created a particularly grave situation for Christians in areas which are difficult to reach, like the Nuba Mountains (A/48/601, paras. 95, 96) or the Ingessana Mountains in southern Blue Nile province. During his second mission in 1993 the Special Rapporteur received information from reliable sources on a widespread process of Islamization started recently among the Ingasema tribesmen, which reached alarming proportions during the second half of 1993. In November 1993, on the occasion of an annual Popular Defence Forces celebration, 45,000 Ingessana tribesmen reportedly graduated as members of these Forces. Morning prayers between 3 and 4 a.m. are compulsory, as well as training in the afternoon in the Popular Defense Forces' compound. In this connection the Special Rapporteur refers to the following statement by the Commissioner of Damazin province, Ibrahim Abdel Hafiz, the former National Coordinator of the Popular Defence Forces, who stated in the Al-Sudan Al-Hadith newspaper of 4 October 1993:

> "Fifty-two centres of Comprehensive Islamic Missionary Work are presently operational in all areas of the province. The programme addresses more than 45,000 people. The programme aims at developing the citizen and rehabilitating him/her physically and culturally, and conduct-wise. It also aims at the creation of a sort of social solidarity based on the Islamic educational approach. Emphasis is laid on the introduction of food security projects. The programme extends the means of production to its beneficiaries and encourages the spirit of cooperation and work amongst them. To that end, edible-oil mills and small soap factories, as well as power generators, were distributed in a large number of villages in the province".

76. The closure and destruction of churches and preaching centres was reported in Gedaref, Kassala, Shendi and Atbara. According to reports received, the army and the Popular Defence Forces have deliberately destroyed churches in several villages in the Nuba Mountains area. The Commissioner of Raja (Western Bahr Al-Ghazal) stopped the construction of a Comboni school in April 1993. In Al-Dhein province in 1993 the local authorities forbade Christians to renovate the church centre. In Abu Ghibeha (south-east of Al-Obeid) in January 1993 local security officials stopped representatives of the Sudanese Council of Churches joining a convoy of trucks carrying food for displaced persons who were in a dramatic situation in Al-Rahmaniya area. Only representatives of the Sudanese Red Crescent and the Islamic African Relief Organisation were allowed to proceed to monitor the distribution of the food to those in need.

77. The Missionary Act of 1962 which curbs and controls activities of foreign Christians is still in force and is seen by the representatives of the Sudan Council of Churches as a serious restriction of the freedom of religion.

(c) Situations where an open policy of intimidation of persons belonging to a non-Islamic faith is pursued

78. There have been several reports since 1992 of the Declaration of a Jihad or holy war against non-Muslims, especially Christians. In particular, the State of Korfofan was reported to be one of the areas where the Jihad was not only part of government propaganda but also part of daily life in zones of armed conflict in the Nuba Mountains. Several reports from different reliable sources confirmed that on 27 April 1992 the authorities in Kordofan state issued a religious decree (Fatwa) declaring a Jihad in southern Kordofan state and in southern Sudan. After stating that the war, a mutiny against the State, was incited by enemies of Muslims and Islam, "Zionists, crusaders and arrogant persons", the document declares that Muslims who are fighting with the rebels are considered apostates and non-Muslim rebels are considered infidels and that it is a duty of Islam to fight both. The decree concludes that "those Muslims who deal with dissidents and rebels and raise doubts about the legality of Jihad are hypocrites and dissenters and apostates from the Islamic religion. Their lot is to suffer torture in hell for eternity". In his interim report the Special Rapporteur mentioned that on a hill situated along the road between Dilling and Kadugli, approximately eight kilometres from Kadugli there is a large white inscription in Arabic, "Kadugli, the Jihad", which can be seen from some distance by those who are travelling on this route. The inscription can also be seen very well by people in the camps for displaced persons around Kadugli.

79. Article 126 of the Criminal Act of 1991 provides as follows:

> "Apostasy (Ridda) 1. Shall be deemed to commit the offence of apostasy every Muslim who propagates for the renunciation of the creed of Islam or publicly declares his renouncement thereof by an express statement or conclusive act; 2. Whoever commits apostasy, shall be given a chance to repent during a period to be determined by the court; whereas he who insists upon apostasy, and not being a recent convert to Islam, shall be punished to death; 3. The penalty provided for apostasy shall be remitted whenever the apostate recants apostasy before execution."

Regarding apostasy the Government replied to a communication from the Special Rapporteur on the question of religious intolerance in November 1991:

> "The punishment is inflicted in cases in which the apostasy is a cause of harm to the society, while in those cases in which an individual simply changes his religion the punishment is not be applied. But it must be remembered that upthreatening apostasy is an exceptional case, and the common thing is that apostasy is accompanied by some harmful actions against the society or State ... Assuredly, the protection of society is the underlying principle in the punishment for apostasy in the legal system of Islam." (E/CN.4/1992/52)

80. Taking into account the rights and principles enshrined in article 18 of the International Covenant on Civil and Political Rights, ratified by the Sudan in 1986, the Special Rapporteur concludes that article 126 of the 1991 Criminal Act is in flagrant contradiction with the provisions of international law. The argumentation provided by the Government should not be retained

because it is a merely political one and, as such, leaves considerable room for arbitrary interpretation. It is to be emphasized that this provision of the Sudanese law could in practice be implemented not only against persons belonging to religious minorities who converted and subsequently changed their minds, especially those who converted to Islam under the conditions of force majeure described above; the concept of "recent convert" is not unequivocally defined by the Criminal Act. Article 126 could also potentially threaten those belonging to the majority faith who dissent from the official position on religious matters, as the religious decree on the Jihad referred to above clearly suggests.

8. Freedom of expression, association and peaceful assembly

81. After the takeover by the present Government, Constitutional Decree No. 2/1989 revoked all licences for non-governmental newspapers, publications and publishing corporations, a regulation which has not been revised up to the time of issuing of this report. After June 1989, 731 journalists were dismissed from their jobs for political reasons. Since that date, the media, including television and radio broadcasting, has been strictly controlled by the Government. Since, as can be seen from other parts of the present report, the Government tends to monopolize the definition of the concepts of public order and public morality, the provisions of article 153 of the Criminal Act raise serious concern over the freedom of expression of the various media. This article states:

> "1. Whoever manufactures, photographs, possesses or handles any materials contrary to public morality, shall be punished with imprisonment for a term not exceeding one month or with whipping not exceeding forty lashes and he may also be punished with a fine.
> 2. Whoever deals in materials contrary to public morality or manages an exhibition or theatre, or entertainment club, or show house or any public place and presents therein materials or display contrary to public morality or allows the display thereof, shall be punished with whipping not exceeding sixty lashes or with imprisonment for a term not exceeding three years or with both."

Paradigmatic for the arbitrary interpretation of such ideas is the confiscation by the Sudan Airport Security of a St. Paul's (Rome) publication on the life of Blessed Bakhita, a Canossian nun born in the Sudan in the last century and beatified by Pope John Paul II on 17 May 1992. The Sudanese newspaper Al-Sudan Al-Hadith attacked another publication on Blessed Bakhita, and called similar publications "against religion, against tolerance and against humanity".

82. All political parties were banned after June 1989 and are still banned. The new draft law on elections, presented to the Special Rapporteur by members of the National Conference - a body in charge of drafting the constitution - does not envisage a multi-party political system. Election will be held based on a system of direct nomination of candidates by People's Committees established in the various administrative units. The names of the candidates chosen in this way will be included on electoral lists. Everybody will be free to announce his or her intention to stand as a candidate, official sources said. However, it is not clear how the list will be drawn up. A

similar system was used during the trade union election in 1992, which was highly criticized by former trade union leaders, who were either under arrest, or called daily to the security headquarters and obliged to spend the whole day there in the weeks before and even during the election. As a consequence, they were prevented from playing any role during the elections. However, Constitutional Decree 7/1993, section 14 states as follows:

> "Section 14. A special electoral law shall be promulgated in general congresses and in local constituencies. The law determines the following: (a) eligibility; (b) the right of nomination which must be supported by a public authority at the congress or by a constituency but not by an individual; (c) the right to vote provided that no person is excluded on grounds of his religious or political affiliation; (d) the elections shall be supervised by an independent committee that will submit candidates in an impartial and fair manner and will regulate the electoral procedures."

83. There is still serious unrest amongst students in Khartoum as a result of the Government's attempt to influence the activity of the students' associations. Early in 1992 several student activists were arrested and taken to secret detention centres and tortured, threatened or simply harassed by security officers, some of the victims told the Special Rapporteur. In November 1993 students at Khartoum University protested against the alleged rigging of elections for the Khartoum University Students' Union. Rioting followed and over 300 students were reportedly arrested. The majority was released within a few days. About 30 students were said to have been kept in secret detention centres for a few weeks, where several were reportedly subjected to torture.

84. The Sudanese Bar Association was banned after June 1989. On 11 March 1992 the Government announced an amendment to the Advocates Act of 1983, whereby the election of Bar Council members would be under the Trade Unions Act of 1992. As reported to the Special Rapporteur, the amendment relegates the Bar to the status of a workers' trade union (although lawyers belong to an independent profession), and subjects it to possible interventions by either the Registrar of Trade Unions or the Minister of Labour. As also reported, the majority of lawyers boycotted the elections. Along the same lines, the Special Rapporteur notes that reports were brought to his knowledge voicing concern in relation to the new status of various professional organizations of academics and doctors.

85. Article 67 of the 1991 Criminal Act on the one hand puts serious limits to the right to peaceful assembly and on the other hand permits arbitrary interpretation:

> "Shall be deemed to commit the offence of rioting whoever participates in any assembly of five persons or more whenever such assembly shows or uses force, terrorism or violence and whenever the prevailing intention therein is achieving any of the following objects: (a) resisting the execution of the provisions of any law or legal process; (b) committing the offence of criminal mischief, criminal trespass or any other offence; (c) exercising any existing or alleged right in a manner which is likely

to disturb public peace; (d) compelling any person to do what he is not bound by law to do, or to refrain from doing what he is authorized by law to do".

The Special Rapporteur noted personally how arbitrarily these provisions can be interpreted, when the Ministry of Justice argued for the arrest of more than 25 persons in front of the United Nations office in Khartoum, mostly women who had come to meet the Special Rapporteur (A/48/601, para. 58). These persons were finally released, but some of the women were threatened, exposed to degrading treatment and abused verbally during their interrogation by security officers.

9. The rights of the child

86. The Special Rapporteur received numerous reports from all over the Sudan concerning violations of the rights of the child as laid down in the Convention on the Rights of the Child (1989).

87. The Special Rapporteur notes at the outset that generally speaking the provisions of article 3.1 of the Convention are not respected by agents or organizations acting under government authority in this field. Article 3.1 states:

> "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be primary consideration".

In addition, provisions of the Convention concerning the principle of non-discrimination (art. 2) the right of the child to an identity (arts. 8 and 30), the prohibition of separation from the family against the will of children (art 9.1) and articles 19.2, 20 and 12.2, the right to liberty (arts. 37 and 40) are infringed. The Special Rapporteur expresses deep concern in relation to articles 35, 38 and 39 of the Convention, dealing with the abduction, sale of or traffic in children, and the situation of children in armed conflicts. Children of displaced persons in the north and those living in conflict zones in central and southern Sudan are the most exposed to abuses and violations. The majority of these children belong to ethnic, racial and religious minorities. The precise number of children who are victims of violations or in direct danger cannot be established. According to estimates, the number of children living in insecurity in conflict zones, in danger of being abducted, or suffering lasting psychological trauma, separated from their families or living in inappropriate conditions all over the country could be in the hundreds of thousands.

88. A brief analysis of the national legislation on the situation of children reveals a very contradictory situation. The Special Rapporteur was provided with two basic legislative texts, the "Childcare Act" of 1971 (Act No. 15) and the "Welfare of Juveniles Act" of 15 August 1983. In its report to the Committee on the Rights of the Child (CRC) the Government mentioned the second Act as being in force, but quoted it under the name of "Protection of Minors Act of 1983" (CRC/C/3/Add.3, paras. 31 and 157 - speaking about the Young Persons Act of 1983). In paragraph 40 of that report the Government also

refers to the "Protection of Children Act of 1992". This Act was never mentioned to the Special Rapporteur by government officials. On the other hand, independent sources have referred to the "Regulation for the organization of reception centres and residential homes for children", issued by the Minister of Social Development and Welfare, as the central piece of legislation in this domain. This regulation was not quoted by the Government in its report to CRC, nor has a copy of this regulation been made available to the Special Rapporteur. During his second mission to the Sudan the Special Rapporteur was told by officials of the Ministry of Justice that the Ministry of Social Planning was the competent body for responding to the situation of street children. However, no briefing with representatives of this Ministry was arranged. With regard to the activities of the Higher Council for the Protection of Children, mentioned in the Government's report to CRC (CRC/C/3/Add.3/1992, para. 4), no information was received. Taking into consideration the above, the Special Rapporteur concludes that there are inconsistencies concerning the national legislation and the position of different State organs involved in responding to the situation of street children. It is not clear which texts are currently applicable.

(a) Children living in the street

89. The situation of street children in the Sudan is a real social problem which started to occur in the 1980s. A report issued in May 1991 by the Ministry of Social Welfare and Development in cooperation with UNICEF and some non-governmental organizations, entitled "Abstract of social and health survey on vagrant children in the northern State of the Sudan", refers to data collected on 36,931 vagrant children (14,336 in Khartoum State). Since then the number has increased. The report enumerates among the causes of vagrancy maltreatment, death of parents, search for work and migration. It concludes that "the Ministry of Social Welfare and Development has failed to amend the Juvenile Welfare Act in conformity to the changes that took place. It has also failed to mobilize efforts for the enforcement of the Act". The recommendations of the report also include "the confinement of the operation to the State alone and the denial of permission to engage in activities pertinent to this sensitive issue, which directly affects the moral values of the Sudanese people, to any party and person". Further, the report recommends "speeding up the formation of the National Council for Juvenile Welfare, on both the federal and State levels, and the enforcement of the Juvenile Welfare Act of 1983". Beginning in September 1992 the authorities of Khartoum State launched a campaign of "cleaning" the city of vagrant children, who are considered a threat to public order. As an initial measure, camps for street children were set up in Khartoum, as well as in some locations in the State. Children are collected up from all over Khartoum in a systematic way. The police are involved - as the Commissioner of Police confirmed to the Special Rapporteur - as well as especially created government bodies and also non-governmental organizations like the Sudanese Juvenile Care Organization.

90. During the second mission to the Sudan in December 1993 the Commissioner for Voluntary Agencies gave the following explanation to the Special Rapporteur about the operation of collecting up street children. Children are collected up by members of the Executive Committee of the National Council of Street Children. They are located based on reports issued by experts dealing with this question. After being collected up, children are asked about their

parents. If the parents are identified, the children are taken to the family, if not, to a camp, where vocational training is provided. According to the Commissioner, most of the children in camps still have their parents, who visit them. In many cases the parents ask the camp authorities to keep their children in the camp because they are not able to take care of them properly. During a recent visit to the El-Fao camp the Commissioner had donated 200,000 Sudanese pounds to facilitate visits by the children to their families. The Commissioner said that the camps were run on the basis of regulations issued by various ministries. He also said that the number of street children was decreasing.

91. Taking into account this explanation and comparing it with information gathered directly or in the form of testimonies, the Special Rapporteur concludes that the fear that the practice of collecting up street children is in fact mostly a case of arbitrary arrest and detention without due process of law is well-founded (see A/48/601, para. 52). As has been pointed out, the Juvenile Welfare Act of 1983 prescribes a very precise procedure to be followed in the case of separating a child from his or her family, or placing him or her in a remand house, welfare home or reformatory home. Juvenile courts are in charge of this operation, and both the parents and the child must be heard by the judge before such a measure is taken. According to article 18 of the Juvenile Welfare Act of 1983:

> "The Court may take one or more of the following measures: (a) hand over the juvenile to his parents or one of them or to his guardian or to the person looking after his welfare with or without bond; (b) hand him over to a charitable society for juvenile instruction; (c) hand him over to a welfare home; (d) put him under social probation; (e) reprimand him; (f) whip him with not more than ten lashes; (g) in the case of delinquency he should be sent to the Reformatory Home for a period not exceeding five years with or without condition."

Similar provisions are to be found in article 67 of the Criminal Act of 1991, which increases the upper limit for lashing to 20 lashes - see the section on penalties (para. 59, above). The Special Rapporteur has not gathered any evidence of a court being involved in a single case in which street children were taken to camps and kept there. Also, as was pointed out in the interim report, the Juvenile Welfare Act of 1983 contains very precise language and differentiates between the concepts of "juvenile", "vagabond" and "delinquent". In this regard the Special Rapporteur was not provided with any criteria, on the basis of which a child is considered to be a "street child" and in consequence qualifies to be taken to a camp. Information gathered by the Special Rapporteur indicates that children are simply rounded up from places where they often congregate to play, or to sleep (in the case of orphans), forced into a vehicle and taken to the camp without any explanation. The treatment in the camp is very harsh. The purpose of the vocational training is in fact rigid disciplining of the child. Some sort of selection seems to take place, as the overwhelming majority of children in the camps are southerners, mainly from the Dinka, Shilluk and Nuer tribes or children from families displaced from the Nuba Mountains. This tribal distribution is pointed out also in the report of 1991 quoted above. The government officials consulted by the Special Rapporteur failed to give a clear answer to the question of what is happening to the children who reach the age of 18 and are

no longer considered juveniles, and to those who have spent one year in the camp. This period was indicated to the Special Rapporteur as the maximum time a child would spend in a camp. The Special Rapporteur met a child who claimed to have been retained for three years, although his parents were living in Omdurman. Non-governmental sources told the Special Rapporteur that a large number of the children were receiving military training and after a few months were sent to the battlefield. One source mentioned that a boy of only 11 was given arms and sent to the front in the south. Although the Special Rapporteur did not gather direct information in this respect, the possibility in the given context that such a goal is being pursued should be considered very seriously and follow-up is necessary on the part of the international community, as well as the competent government organs.

92. The Special Rapporteur visited the camp for street children in Abu Dom (for boys only) during his mission to the Sudan in September. The camp is situated 100 km north of Khartoum. The explanation given by the manager of the camp concerning the location of the camp was: "the Government allocated this piece of land to the camp, since other alternatives did not exist". He added that the place had been chosen because it was "similar to the native environment of the children". At the time of the visit 431 children were registered. According to the camp manager, 150 of them had been rejected by their families. Some of these children give false names when collected up, added the manager, because they were committing crimes, like consuming alcohol, sniffing glue, smoking hashish and cigarettes, etc. It is worth mentioning here again that, according to the report of the Government submitted to CRC, "the age of criminal responsibility is the same as the minimum age for contracting marriage, which is 18". (CRC/C/3/Add.3, para. 33) Alcohol or drug consumption and sexual relations outside of the bonds of marriage are "absolute crimes" for which the age factor is not taken into account under the terms of the Criminal Law Act of 1991. The Special Rapporteur notes that the living conditions in the camp - taking into consideration the general conditions of the country - are quite satisfactory. Koranic education is in the first place on the list of subjects taught to the children, besides Arabic and mathematics. The camp manager said that there were only Muslim children in Abu Dom and that only 20 per cent of them were southerners. The Special Rapporteur talked privately to some children whom he had chosen himself. Six children told the Special Rapporteur that they were Christians and that their parents were alive, but that they did not know where they were living. The Special Rapporteur noted that the percentage of southerners and Nubans in the camp is much higher than 20 per cent.

93. During the second mission, in December 1993, the Special Rapporteur wished to visit the camp for street children in Soba, about 7 km from Khartoum. This visit did not take place as the proposal by the Government to visit the camp after sunset was not accepted by the Special Rapporteur, who had expressed his wish to visit the camp during the daytime. Soba is known as a transitional camp, where children are kept only seven days in order for their families to be traced. During that time according to information from the Government, children receive vocational training in Khartoum between 8 a.m. and 5 p.m.

94. Further doubts are raised by the question which camps have been officially acknowledged by the Government and of which camps the existence has

not been disclosed. The report to CRC (issued in December 1992) mentions that three major foster and family rehabilitation centres in Khartoum, Kousty and Geneina "are now ready to take in homeless, orphaned and other similar groups of children. The Home of the Future (Dar Bacha'er) was established for up to 300 homeless girls and has now begun its activities", (CRC/C/3/Add.3, para. 59 (vi)). It is to be noted that the camp in Abu Dom was already established at the time when that report was issued. The Special Rapporteur was told by non-governmental sources in Khartoum that there are at least six camps for street children, two in Omdurman, one camp for girls in Shendi, one in the Mayo area, another one next to the sugar plantation in Kenana (300 km south of Khartoum) and another camp in Sindja. Reports about closed camps have also been received. The Commissioner for Voluntary Agencies confirmed to the Special Rapporteur the existence of two other camps, Soba and El-Fao. In the reply which supplemented the initial report to CRC, the Government mentioned the camps of Dar Bacha'er in Omdurman (62 girls), Abu Dom (480 children), Fau (460 children) and Durdib (278 children) (CRC/C/3/Add.20, paras. 26-29). It is mentioned in that reply that the camp in Abu Dom is for children aged seven to nine, which is contrary to the Special Rapporteur's findings.

(b) Abduction of children

95. A former high-ranking official of Darfur state who gave testimony to the Special Rapporteur admitted that abduction of children and traffic of children take place routinely on a tribal basis in the conflict area of the Dinka and Rizeigat tribes. He added that the whole issue was a taboo theme for some people in the Sudan, a standpoint confirmed by most of the persons the Special Rapporteur met during his missions. As described below, well documented individual cases of abduction of children reached the Special Rapporteur. He received detailed documentation from independent sources of 17 cases of children from the south who had been kidnapped by members of the army or the Popular Defence Forces and had been taken to the north. Ten of these children (between 10 and 13 years old) were kidnapped from Pochalla in 1992 and escaped from Aburum. They were in Khartoum during the Special Rapporteur's visit, living in very poor conditions, most of them without any information concerning their relatives. Seven children were traced by relatives and civil suits were brought before a court of law or complaints submitted to the Office of the Attorney General. According to information received, courts do not pronounce a sentence in such cases, even though the Criminal Act of 1991 proscribes and punishes the crime of abduction (arts. 161 and 162). But the children are released by the captors after negotiations (having as their objective the payment of a sum of money by relatives). Things are more complicated in the case of children kept in camps and traced by their relatives. According to the same sources, up to August 1993 28 children had been retrieved through litigation, or settlements between parents and the captors. Since this activity is not conducted clandestinely, the Special Rapporteur could not explain the passivity of the Government concerning the cases mentioned above. As was proved both by the experience of those who were involved in retrieving these children and by a careful analysis of the legal documents provided, the Special Rapporteur concludes that these cases do not fall under any of the provisions of the Child Care Act of 1971, dealing with the procedure of "care-taking" of orphans and children who have been abandoned, or whose parents are not known. The issue of kidnapped children,

raised with government officials, met with a total denial of the tence of such things in the Sudan. The Special Rapporteur concludes that a position is not grounded on fact, and the Government must take action ich cases, in accordance with the relevant international and national .

The status of minors under the Criminal Act of 1991, with special regard to penal responsibility and the death penalty

A thorough analysis of the position of the Government towards this - as reflected in its report to CRC - and the provisions of the Criminal of 1991 reveals a great deal of uncertainty and ambiguity both in the nal legislation and in judicial practice after 1989. The Special rteur can only repeat his previous interpretation of the concept of lute crimes" that this provision excludes any exemptions of age limits in ase of hudud offences. The statement in paragraph 166 of the same report forces the Special Rapporteur in his opinion that the status of minors in ese law does not meet international standards:

"Article 27 (2) of the Criminal Law Act of 1991 provides that, with the exception of offences punishable by penalties and sanctions, the death penalty may not be imposed on a person under the age of 18 or over the age of 70. A juvenile delinquent may be sentenced to death only for an offence punishable by penalties and sanctions, in accordance with provisions of Islamic Law."

pecial Rapporteur fully agrees with the preliminary observations of CRC ing to this issue:

"The Committee notes the non-compatibility of certain areas of national legislation with the provisions and principles of the Convention, including the punishment of flogging ... In addition, the Committee expresses its concern as to the issues of criminal responsibility and the administration of juvenile justice." (CRC/C/15/Add.6, paras. 7 and 11)

observations were reiterated on 18 October 1993 by the Committee in its uding observations (CRC/C/15/Add.10) on the initial report of the Sudan. that time the Government has not made any substantial change in its ion concerning the penal responsibility of minors.

Sale or traffic of children

The reason why this issue is treated separately from the abduction of ren or reported cases of slavery involving children is that the mass tion and traffic (including sale) seem to be an organized and politically ated activity on the level of non-regular armed forces like the Popular ce Forces and contingents of Mujahedin, in the conflict zones in southern fan and Bahr Al-Ghazal. The emphasis is on the mass character of the ity, i.e. the groups targeted by this activity, while in the cases of tion referred to above or reports of the slave trade, the individuality e victim is a determining element.

98. The Special Rapporteur has received persistent reports and testimonies concerning the abduction and traffic of children practised in central and southern Sudan on a mass scale by the above-mentioned paramilitary units. The states of Kordofan and Darfur were mentioned as the most affected areas in this respect. The most notorious case brought to the attention of the Special Rapporteur by several independent sources is the abduction of 217 - mainly Dinka - children in the summer of 1993 when a train convoy was proceeding from Babanusa to Wau. Eye-witnesses gave the following account to the Special Rapporteur: the train started from Babanusa on 10 June 1993 at 1 p.m., with almost 60 wagons and civilian 300 passengers. The convoy proceeded very slowly southwards. In the meantime Popular Defence Forces and Mujahedin troops looted cattle and rounded up children near the following villages: Alok (15 children, girls and boys were captured), Mondit (more than 200 children abducted), Kangi (50 children abducted), Gete station (4 girls and 3 boys abducted). Some of the children managed to escape. The train finally arrived in Wau with 217 children who were kept inside the railway station building for 17 days. Thereafter they were taken away to an unknown destination. It is to be noted that the case was reported to the local authorities in Wau (a niece of the Vice-Governor of the state was rounded up and managed to escape). The local authorities, however, did not take any effective steps to end this situation and free the children. The incident is well known among the population of Wau. Witnesses told the Special Rapporteur of fear that the children had been sold as slaves in Darfur and northern Kordofan. Despite the public protests the Government did not take any measure to investigate this case, either at the federal, or at the local level. According to independent sources, tens of thousands of children are missing in Bahr Al-Ghazal state since 1986. In some cases relatives or local chiefs of tribes are searching for the missing children, usually without result. The Special Rapporteur received copies of the correspondence with the local authorities concerning efforts to retrieve kidnapped children. The Special Rapporteur has no means to look into each individual case brought to his attention, but he calls upon the competent government organs to carry out investigations concerning these allegations, which seem to be well founded.

(e) <u>The right of the child to identity and education</u>

99. As has already been mentioned, children in some camps are subjected to religious conversion. In such cases the name of the child is changed also. This is a direct violation of article 8.1 and article 30 of the Convention on the Rights of the Child. In cases of kidnapping, change of identity of the child is routinely practised. The Special Rapporteur received several reports of religious and political indoctrination of children in the camps for displaced persons. The Special Rapporteur himself witnessed such practice in "peace villages" in the Nuba Mountains area, as well as in camps around Khartoum. Compulsory Koranic education is the order of the day in camps where children are kept, irrespective of their religion. In the Nuba Mountains area the Special Rapporteur also saw groups of children inside military compounds who were apparently being trained by people in military uniform.

100. Since the school year 1991-1992 the Minister of Education has imposed Arabic as the only medium of education at every level. The Comboni school in Khartoum obtained permission with great difficulty to have, besides an Arabic stream, an English stream for students who had previously studied in English.

y students from the southern states have been educated in English. ever, parents who wanted their children to continue their study in English to sign the following undertaking: "I declare that my child will not im to sit for any examination provided by the Ministry of Education in an". The parents of children in the Arabic stream were reportedly not held a similar declaration.

Children in the conflict zones

According to the Special Rapporteur's findings, this is also one of the matic aspects of the situation of children in the Sudan. In a report dated ecember 1993 to Operation Lifeline Sudan, Professor Magne Raundalen CEF, Norway) pointed out the following: "we can confirm our earlier clusion that these kids are the most exposed and potentially most umatized children we have ever seen". Most of these children have nessed people being injured, killed or raped and have seen people dying n hunger. Many have lost a family member. A few of them have participated combat or have been held by soldiers during the past two years. The cial Rapporteur can confirm from his own experience that the quoted tement reflects reality. The fact that children have been used as soldiers the conflict by all factions of the SPLA can also be confirmed by the cial Rapporteur; he saw very young people wearing uniforms and carrying , i.e. serving as common combatants. This situation now seems to be nging since the SPLA-United faction openly took position against the A-Torit faction concerning the question of child soldiers. The creation of os for children - under the pretext of education - was characteristic in es controlled by SPLA factions in the south. The split inside SPLA in 1991 motivated partly by the practice of running children's camps as a an reservoir for combat. But even after the split, reports and timonies received by the Special Rapporteur revealed shocking conditions the children's camp of Palotaka, for instance, during the period September 1992. In May 1992 - eye-witnesses told the Special Rapporteur - re were more then 3,000 boys in that camp (between the ages of 12 and 13), ly Dinkas (previous reports put the number before that period at 7,000). hat time there were no places to sleep, no clothes were distributed, no ning machines were available in the camp. The place is very cold even ng the dry season, witnesses said. Witnesses mentioned to the Special porteur similar practices in Molitukvo and Borongole during 1992. These s no longer exist, while the number of children in Palotaka has decreased ificantly and the situation has reportedly improved.

The rights of women

Viewed from the wide historical perspective, Sudanese women have ditionally had high legal status. However, after 1989 new laws and lations were promulgated, some of which caused concern both at the onal and international level among activists and organizations dealing the rights of women. The Sudanese Women General Union - the only cially functioning women's organization in the country - provided the cial Rapporteur with a comprehensive study concerning the status of women r Sudanese law. According to this study, the Personal Matters Act for ims, passed on 24 July 1991, is one of the most important pieces of slation in this regard. Article 5 of this Act establishes certain

conditions for the validity of a marriage contract. One of the most imp
is "the presence of two persons to bear witness to the marriage contract
Article 16 of the same act provides that the two witnesses should be two
or a man and two women who are Muslims, adults, worthy of trust and who
understand that affirmation and acceptance mean marriage. The Special
Rapporteur cannot interpret this provision at this stage other than as m
that the testimony of a woman is not equal to that of a man. Furthermor
Special Rapporteur has no information about any amendment of section 78
the Evidence Act of 1983, which provides: "All hudud offences shall be
by the testimony of two men, when necessary by the testimony of a man an
women or by the testimony of four men."

103. The study also states that:

> "A wife should obey her husband in all matters related to their ma
> life. Obedience is obligatory if the husband gives his wife his i
> dowry, behaves in a honest and protective manner towards her and p
> a proper home which is furnished and includes cooking and drinking
> facilities."

The Personal Matters Act for Muslims of 1991 provides in article 52 that
husband's rights comprise: that the wife should take care and obey him
equitable terms; and preserve his honour and dispose wisely of his money
wife's rights according to article 51 are: the right to a dowry; the ri
maintenance; the right to be treated tenderly and to be defended against
aggression against her or her money; the right to visit her parents and
relatives whom she is prohibited to marry; and to be treated on equal te
with other wives of her husband, if he is married to more than one wife.
is to be noted that a wife does not deserve maintenance, inter alia, if
works outside the home without her husband's approval unless "the husban
disapproval is coercive". Finally, concerning this matter, wifely
disobedience is only established by a judicial decision.

104. The Special Rapporteur concludes that the differentiation between m
women in matters relating to civil capacity, such as the ability to bear
witness of full value, infringes the equality of men and women, a basic
principle of the Charter of the United Nations. As far as other questio
relating to the civil rights of women are concerned, the Special Rapporte
would recommend that the Sudan ratify the Convention on the Elimination
Forms of Discrimination against Women (1979). As far as the political r
of women are concerned, the Special Rapporteur notes that although the S
is not a party to the Convention on the Political Rights of Women (1952)
exclusion of women from political activities, including the right to ele
the right to be elected, to hold public office and to exercise public
functions, was not reported. The Special Rapporteur had a comprehensive
briefing with representatives of the Sudanese Women General Union who ex
different professions, including in the judiciary, health care and the m
It should, however, be recalled that the Sudanese Women General Union is
only officially allowed women's organization in the Sudan; all organizat
existing before 1989 have been banned. In addition, the Special Rapporte
notes that during his missions to the Sudan he received several reports
abusive dismissal of women, mainly educated women, from their jobs witho
motivation.

105. There are several other issues concerning the situation of women which remain unclarified. One is the travel of a woman abroad, which seems to be subject to some restrictions. Women are not allowed to leave the Sudan without the accompaniment of a muhram, a male guardian, preferably a close relative. If the muhram cannot accompany the woman abroad (for study or lengthy medical treatment) he must present himself before a commission of the Ministry of the Interior to certify that the travel is justified, and give his consent. It is not, however, clear whether the Public Appearance Act of 1991 is a legal norm with the same binding power as other legal norms, like the Criminal Act of 1991 for instance, or whether it is only the official position of the Government on the question of the behaviour of women in public places. The question is motivated among other circumstances by article 152 of the 1991 Criminal Act, which defines and sanctions an "indecent and immoral act" as follows:

> "1. Whoever commits in a public place an act or conducts himself in an indecent manner or a manner contrary to public morality or wears an indecent or immoral uniform which causes annoyance to public feelings shall be punished with whipping not exceeding 40 lashes or with a fine or both.
>
> 2. The act shall be considered contrary to public morality if it is so considered in the religion of the doer or the custom of the country where such act has happened."

At the same time section 5 of Constitutional Decree No. 7/1993 states:

> "Public life comprises functions, responsibility and endeavours on the part of the armed, police and security forces for the defence of the nation and the security of society. This task is undertaken by public officials and professionals who are responsible for the management of public activities and procedures. Private life likewise has socio-economic functions, entrusted to employees working for the welfare of society."

106. The Special Rapporteur received reports indicating that pressure was exercised on women in different places of work to be "properly" dressed, i.e. as prescribed by government regulations. Other testimonies and reports received in person by the Special Rapporteur complained that women were brought before the Public Order Court where they had to sign undertakings that in the future they would appear in public properly dressed. During the second mission in December, the Special Rapporteur received confirmation from independent sources of previous reports that one of the main tasks of the newly created Popular Police Forces is to look after "improperly" behaving women on the streets of the capital.

107. It cannot be emphasized enough that together with children, the people most affected by the phenomenon of displacement all over the Sudan are the women. A striking example is the fact that the majority of the women in Omdurman prison are women from the south convicted of brewing, possessing or selling alcohol on the streets of Khartoum or around the camps for displaced persons. Sentenced to imprisonment and fines which they cannot pay for activities which for them are the only means of earning a miserable existence,

these women are likely to become regular inmates of these prisons. It is to be noted that before the prohibition of alcohol there were only a few female inmates in this prison.

108. Lastly, the Special Rapporteur must draw attention to the practice of female genital mutilation which is very prevalent in the northern part of the Sudan. Recent reports have mentioned cases of female circumcision in some southern towns, practised by zealots, but local authorities intervened in order to prevent such unlawful activities. The Sudanese Demographic and Health Survey undertaken in 1990 included references to female genital mutilation. Besides legislative measures taken in order to prevent this practice, the Sudanese Women General Union launched a national campaign against female circumcision in particular, and other harmful practices in general. The Special Rapporteur welcomes this initiative and is looking forward to receiving more details, especially concerning the concrete measures taken and the results of this activity.

10. Freedom of movement and residence, including the right to leave or return to the country and possession of documents concerning personal identity, with special regard to nationality

109. Freedom of movement is arbitrarily restricted for those who were detained by the security forces. When released, many of these persons are obliged to sign an undertaking that they will not leave the towns or villages where they live without written permission from the security organs. Since many former detainees were never brought before a court, no sentence exists prohibiting them leaving specific locations. Along the main roads, checkpoints are set up in order to verify the identity of travellers. For most of the locations outside Khartoum, especially those under government control in southern Kordofan and the southern states, travel permits are required even for Sudanese citizens to enter or to leave. The access of foreigners to specific zones is systematically refused, mainly for security reasons. Personnel of foreign non-governmental organizations meet serious difficulties in travelling outside Khartoum in order to carry out humanitarian activities. There are also areas where they cannot operate at all. The areas in the Nuba Mountains under the control of SPLA are completely cut off from the outside world. The Special Rapporteur himself was not given a flight clearance for locations situated two days' walking distance from these areas, although he had orally been assured that the Government had nothing against a visit of the Special Rapporteur to the areas concerned, despite the logistic difficulties.

110. Most of the leading figures of the banned political parties who still live in Khartoum are in fact under house arrest and/or surveyed continuously, obviously without any judicially approved mandate.

111. To leave the country means going through a difficult bureaucratic procedure; approval depends mainly on political reasons. In several cases, political opponents or persons who were suspected of oppositional activities were retained by the security while already on the plane and prevented from leaving.

112. In the case of displaced persons the objective difficulties of moving or freely choosing their residence are aggravated in some cases by abuses by the

local authorities. For instance in Wau, where camps for displaced persons are situated outside the town, witnesses told the Special Rapporteur that people from these camps were in many cases prevented by soldiers from entering the town.

113. The Special Rapporteur has received numerous complaints from Sudanese citizens living in Cairo that the Sudanese Embassy there retains the passports of those suspected of being opposed to the regime in Khartoum. In such situations the persons concerned lose the possibility of proving their identity and they in fact lack any legal status, which is a grave violation of human rights under articles 12 and 16 of the International Covenant on Civil and Political Rights. It is to be noted that Sudanese citizens do not need a visa for Egypt, and they are not granted refugee status in this country, irrespective of their situation. In these conditions the retention of the passport equates with a de facto loss of citizenship. The Special Rapporteur raised this question during a meeting with the Sudanese Ambassador in Cairo, who promised that he would look into these cases and said that those in such a situation could contact him directly with their complaints. The Special Rapporteur intends to follow up on this question.

B. Abuses by other parties

1. Introduction

114. The Special Rapporteur is aware of the fact that serious abuses have been committed by the armed opposition in southern and central Sudan, the Sudan People's Liberation Army (SPLA). Since the conflict started in 1983, reports have been received of the arbitrary detention of government soldiers and internal dissidents, torture in detention, the abduction of children (with regard to the situation of children see also paragraph 101 of this report), and extrajudicial executions of government soldiers and civilians.

115. Violence increased after August 1991, when the SPLA split into two factions and interfactional fighting along ethnic lines claimed a growing number of casualties, with SPLA-Torit drawing its support mainly from the Dinka community and SPLA-Nasir aligning with the Nuer tribe. Indiscriminate attacks on civilians by both factions seem to have become part of a strategy; thousands of civilians, including women, children and elderly, have been killed in such attacks, in which civilians were deliberately targeted for often no other reason than belonging to a certain ethnic group and alleged collaboration with one of the two factions. Their property was looted and their houses were burnt. In some cases women and children were abducted. Other reports mention attacks where men were castrated and women raped.

116. The fighting between the different factions has also endangered relief work, forcing the evacuation of relief workers and the suspension of their activities. One very serious incident was reported in September 1992 when three United Nations relief workers and one foreign journalist were killed by SPLA soldiers near Nimele. It has been reported that at least two of the persons were killed deliberately.

117. Interfactional fighting has been particularly severe in the area of Kongor, Ayod, Waat and Yuai, which is inhabited by both Nuer and Dinka

communities. Conflicts between the different tribes have also been reported from eastern Bahr Al-Ghazal. Another area of combat from which serious reports have been received is eastern Equatoria, where SPLA-Torit forces have carried out several attacks against tribes suspected of collaboration with the Government of the Sudan or the other faction.

2. SPLA-Nasir/United 1/

118. Concerning abuses committed by SPLA-Nasir, several reports have been brought to the attention of the Special Rapporteur. In September-November 1991 SPLA-Nasir reportedly killed about 2,000 Dinka civilians in a deliberate attack in the area south of Kongor. Civilians were said to have been shot, beaten to death, burnt and strangled. Many women were reportedly raped and in some cases men were castrated. This attack took place shortly after the Nasir faction had broken away from SPLA for reasons of human rights abuses. In the province of Bahr Al-Ghazal the Dinka villages of Pagarau, Adermuoth and Wun Riit were reportedly attacked by Nasir forces in early 1992. During these attacks over 100 people are believed to have been killed, among them were reportedly several leprosy patients. Reports further indicate that at least 20 women and children were abducted. On 18 and 19 July 1993 Kongor was attacked by SPLA-United. As a result, Dinka civilians fled en masse to the marshlands of Toic where many of them are said to be still hiding, fearing renewed interfactional fighting in the area. In August and September 1993 several clashes were reported in the area north of Kongor. On 14 November 1993 SPLA-United attacked Yomcir, south of Kongor where a United Nations assessment team had to be evacuated.

3. SPLA-Torit

119. Abuses by SPLA-Torit have also been reported. In May 1992 the Torit faction raided villages of the Toposa tribe around Kapoeta in eastern Equatoria allegedly taking revenge on the civilian population for the involvement of Toposa militia in the capture of Kapoeta by the Government. In early 1993 they burnt down seven villages around Jabal Lafon, reportedly in retaliation for an alleged alignment of the population with the defector, Commander William Nyuon Bany. Scores of civilians were killed. One man told the Special Rapporteur how his wife had been shot in front of him and two of his children killed in their flight. There were reports of the rape of women. Since May 1993, after the Torit forces left, part of the population returned, but many are still hiding in the bush. On 2 April 1993 SPLA-Torit forces attacked the town of Ayod, which has a predominantly Nuer population. According to oral testimonies received scores of civilians were killed. Many were burnt alive as their houses were set alight, others were tied and shot or hacked to death. In mid-April SPLA-Torit forces proceeded to the towns of Yuai and Pathai, committing similar abuses. Ayod was left burnt down, surrounded by mines and with corpses said to have been thrown in a well, infecting the main water source. These attacks are believed to have been

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1/ Since March 1993, when William Nyuon Bani, who defected from the SPLA-Torit in September 1992, joined the Nasir faction, SPLA-Nasir has been called SPLA-United.

carried out in retaliation for the massacres by SPLA-Nasir in 1991. Regarding alleged abuses by the Torit forces in the Nuba Mountains, the Special Rapporteur refers to section B of his interim report (A/48/601).

III. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

120. Since the adoption of resolution 1993/60 in March 1993, an increasing flow of information on the situation of human rights in the Sudan, originating from a wide variety of sources, has reached the Special Rapporteur. In addition, the Special Rapporteur carried out two field missions, in September and December 1993, during which he heard many testimonies and visited several locations of interest to his mandate. Careful examination of the information has shown a number of consistent elements in the reports and testimonies received. In many instances, allegations have been corroborated by first-hand information obtained from witnesses, many of whom came to meet the Special Rapporteur during his missions in the Sudan, despite their fear of reprisals.

121. On the basis of the information received, the Special Rapporteur firmly concludes that grave and widespread violations of human rights by government agents and officials, as well as abuses by members of the SPLA factions in zones controlled by them, continue to take place, including large numbers of extrajudicial killings, summary executions, enforced or involuntary disappearances, systematic torture and widespread arbitrary arrest of suspected opponents. In addition, grave violations and abuses are being committed against women and children: reports of abduction, traffic, enslavement and rape carried out by persons acting as agents of the Government or affiliated with the Government, were received by the Special Rapporteur from a wide variety of sources, including victims and persons who witnessed these violations, or individuals searching for abducted persons. The Special Rapporteur calls upon the Government to fulfil its obligations set out inter alia in articles 3 and 5 of the Slavery Convention (1926) and to investigate all cases brought to its knowledge by its citizens who, or whose relatives were or are affected by the above-mentioned practices, to ensure that all those in captivity are released immediately and to bring to justice all those responsible of committing such actions. The Special Rapporteur is very much concerned about the situation of children in areas controlled by SPLA factions in southern Sudan, in particular about the situation of children who are trained and sent to the battlefield to fight.

122. The freedoms of conscience, expression, association and peaceful assembly, as well as the freedom of movement and the right to citizenship, are also being seriously infringed by the security organs acting in and outside Sudan. Abusive confiscation of property, as well as abusive interference with privacy - mainly of persons considered as political opponents of the regime - were also reported to the Special Rapporteur.

123. In addition, after his second mission to the Sudan, the Special Rapporteur confirms that several persons have been subjected to reprisals after they communicated information to him.

124. The Special Rapporteur draws the attention of the international community to the fact that serious human rights violations occur on a particularly large scale in the Nuba Mountains, where the Government seems to tolerate the policy pursued by the local authorities in the combat against the SPLA of depopulating the area. A significant component of this policy appears to be the forced relocation, sometimes the mass relocation, of the Nuba population. Also, a centrally coordinated policy of forced assimilation is being carried out on the Ingessana tribes, living in southern Blue Nile province.

125. The total amount of information received by the Special Rapporteur indicates that both the Government and the SPLA factions are responsible for violations of provisions of international humanitarian law including common article 3 of the Geneva Conventions.

126. With regard to the situation of human rights in the Nuba Mountains, the Special Rapporteur, having carefully studied the information he has assembled in the form of reports, documents, oral and written testimonies, photographs and videotapes, expresses his serious concern over violations for which the Government of the Sudan bears responsibility. Reports of abuses committed by SPLA troops fighting in this area need further investigation, but the Special Rapporteur expresses his concern in relation to the alleged abuses (see A/48/601, chap. III.B). The violations committed by the Sudanese army and the paramilitary forces under its control exceed by far the derogations permitted under a state of emergency and seem to be of such a grave nature that the fate of the Nuba communities in the area may be questioned. The situation in the Ingessana Hills needs further monitoring, since the information received by the Special Rapporteur shows that a systematic policy of forced assimilation is being carried out on the minoritarian indigenous population of that area.

127. The Special Rapporteur is especially concerned about the situation of persons, especially children, belonging to racial, ethnic, religious and linguistic minorities, in particular the fate of the so-called street children in Khartoum and other major towns of northern Sudan. As consistent information shows, the rights of persons in these categories are being systematically violated. Attention must also be drawn to the fact that members of the Muslim community who seem to have a different perception of the Islamic religion than the Government were persecuted during the past year.

128. The Special Rapporteur expresses concern about the status of women in the Sudanese legal system and about the pressure exercised over them concerning their public behaviour, appearance and their freedom of movement. At the same time the Special Rapporteur welcomes and expresses his appreciation of the initiative launched by the Sudanese General Women Union against female genital mutilation and other harmful practices exercised on women and children.

129. The Special Rapporteur expresses his deep concern also at the fact that the freedoms of association, expression and peaceful assembly are still seriously limited by the Government. The most targeted social groups and strata in this respect are members of trade unions, women, students and persons who used to work or are working in the judiciary, especially judges and lawyers. There is no question that the Government is firmly committed to

maintaining the interdiction of political parties and any other non-government or non-partisan organizations or associations, as well as the independent media.

130. The Special Rapporteur, considers that important parts of the Sudanese legislation, especially the penal system and legislation concerning the rights of the child, do not meet the international standards set up by the international instruments to which the Sudan is a party. Furthermore, both the Government and the SPLA factions have failed to respect the relevant provisions of humanitarian law, and abuses and violations in this regard are reported continuously.

131. The Special Rapporteur notes with appreciation that the Government provided several replies to the questions raised concerning human rights violations. The Special Rapporteur welcomes the detailed reply by the Government of 22 November 1993 (A/C.3/48/17) containing its comments on his interim report to the General Assembly, which revealed to him a serious commitment. The Special Rapporteur would also like to express again his appreciation of the spirit of cooperation shown by the Minister of Justice and his staff during his missions to the Sudan. However, the Special Rapporteur notes, after having carefully examined the replies received, that the Government has failed to give a consistent explanation of the reported violations brought to its attention by the Special Rapporteur. In this regard it is worth mentioning that the investigating committee on the Juba events of 1992 has so far failed to accomplish its task. The chairman of the committee told the Special Rapporteur during a meeting in December 1993 that he could not give specific numbers of the sentences pronounced because the committee had not yet completed its investigations. He also said that the commission report would only be submitted to the President. On the other hand, the Minister of Justice mentioned in his statement to the General Assembly dated 24 November 1993 that the report "would be distributed to interested Governments and organizations on completion".

132. In the light of the above, the Special Rapporteur concludes that the seriousness of the human rights situation in the Sudan calls for continuing and intensified monitoring. To this end the Special Rapporteur would require unlimited access to all areas of concern and would need adequate resources to carry out his mandate. In addition, the situation should be monitored by national and international non-governmental human rights organizations. Further, immediate and thorough investigations should be carried out by the Government of the Sudan. In this connection, the Special Rapporteur welcomes the recent establishment by the Government of the Sudan of the Higher Coordinating Council for Human Rights and the creation of an office to receive complaints from citizens on abuses by the security forces. The Special Rapporteur looks forward to receiving more detailed information on the terms of reference and the methods of work of the Council.

B. Recommendations

133. The Special Rapporteur recommends that:

(a) The Government of the Sudan abide by its human rights obligations under international law and that the Government be urged to ratify the

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Special Rapporteur calls upon the Government to abolish legislation contradictory to the provisions of international instruments to which it is a party, with special regard to penal legislation and special laws and regulations concerning the rights of the child. The Special Rapporteur further recommends that the Sudan accede to the Convention on the Elimination of All Forms of Discrimination against Women.

(b) The Government revise its policy concerning children living or working in the street, clarify its legislation in this regard and make sure that the applicable laws are in full conformity with the Convention on the Rights of the Child. As a consequence the Government should close down as soon as possible the camps for children as presently organized and replace them with welfare centres which meet the required international standards.

(c) The Government of the Sudan ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups be properly trained and act in compliance with the standards set under international law, and that those responsible for violations be brought to justice. In this connection the Special Rapporteur calls for a thorough investigation of the reported cases of abduction of women and children, slavery, servitude, slave traffic, forced labour and other similar institutions and practices.

(d) The Government of the Sudan give free access to regional and international humanitarian and human rights organizations throughout the country, in particular in the Nuba Mountains and the cities of southern Sudan.

(e) The Government of the Sudan complete as soon as possible the investigations into the events in Juba in June and July 1992 and that the report be made public.

(f) The Government of the Sudan carry out immediate investigations into the human rights violations reported in the Nuba Mountains and other government controlled areas, such as in the Ingessana Mountains and in southern Sudan.

(g) The Government guarantee freedom of religion and thought in accordance with the Covenant on Civil and Political Rights to which the Government is a party.

(h) The Government of the Sudan and the other parties involved in the armed conflict in central and southern Sudan be urged: to cease immediately all attacks on civilians, including in particular the Government's deliberate and indiscriminate aerial bombardments of civilian targets; fully to ensure access to food and health care for all those in need; to agree as soon as possible on a cease-fire and to intensify their efforts to come to a peaceful solution; and, finally, to address the problem of displacement and to create appropriate conditions for displaced persons to return to their homelands.